

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID ROBERTS,

Plaintiff,

v.

JOSH MARTINEC,

Defendant.

8:11CV129

ORDER

This matter is before the court on the plaintiff's notice of intent to use certain evidence and motion to amend the exhibit and witness lists, [Filing No. 143](#). This is an action for violation of civil rights that is set for trial on Feb 9, 2015.

The plaintiff seeks to offer blank body diagrams, sketch diagrams, a police photograph, letters from mental health practitioners, and a redacted version of a current exhibit. Further, he intends to offer portions of the contents of Exhibits 162 and 163 as separately marked exhibits, but only in the course of the examination of the officers whose statements are contained therein, and only as impeachment evidence. Also, he seeks to add a foundation witness, Lt. Patrick Rowland, for Exhibits 159 (Omaha PD Use of Force Policy and Procedure), 161 (Omaha PD Mental Illness Policy and Procedure), and 165 (Omaha PD Handcuffs and restraints Policy and Procedure).

In support of his motion, the plaintiff cites counsel's relatively recent appearance in the case. It appears that the defendant has been provided copies of the documents and there does not appear to be any undue surprise. Under the circumstances, the court finds the motion to amend the witness and exhibit lists should be granted. The defendant may raise any objections at trial.

IT IS ORDERED:

1. The plaintiff's motion to amend the witness list and exhibit list ([Filing No. 143](#)) is granted, subject to objections at trial.

DATED this 5th day of February, 2015

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge